

REMARKS/ARGUMENTS

By this amendment, claims 1 – 23 are in the application. Reconsideration is respectfully requested.

Claim 19 was rejected as anticipated by Oakberg, US Patent No. 6,473,181. Claim 19 includes detection means for detecting the intensity of the two different-wavelength beams. Claim 19 has been amended here to more particularly point out that the function of the claimed detection means includes using the detected intensities to provide information suitable for calculating a birefringence property of *the* sample based on those detected intensities.

Support for this amendment to claim 19 is provided, for example, on page 15 of the application, where it is explained how the results of the detected retardance measures of the two beams are compared to resolve ambiguities in the measured results.

While the Oakberg '181 patent may disclose the use of two different source beams, the system and method disclosed there provides these beams for alternative use, depending upon the optical properties of the sample. That reference does not inherently nor otherwise disclose or suggest the notion of directing the two beams through the same sample and using the detected intensities of those beams for obtaining retardance information about that particular sample.

Since Oakberg '181 does not disclose or suggest all of the elements of claim 19, that claim is believed to be allowable.

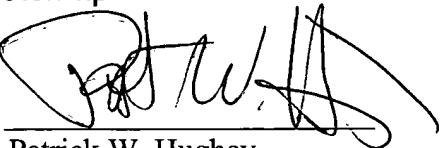
Applicant does not agree with the obviousness rejection grounds made with respect to claims 20 – 23. In any event, those claims are believed also to be allowable in combination with their now-allowable base claim 19.

Conclusion

In view of the foregoing, applicant believes that all of the currently pending claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,
ipsolon llp

By



Patrick W. Hughey
Registration No. 31,169
Tel. No. (503) 419-0704

ipsolon llp
805 SW Broadway, #2740
Portland OR 97205